

Mr. NEWHOUSE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, don't believe me. I would say don't believe Mr. POLIS either. Believe the border security guard that I quoted earlier who said that the situation we have at the border happened under the previous administration as well as this one.

Mr. Trump, our President, did not manufacture this crisis, but this bill before us will solve that situation, which is why we need to pass this rule.

That whole issue takes away from one of the most pressing issues of our time, immigration reform. We will solve that, but we can also address immigration.

I am proud of the bill we have before us. I am proud that we have had so many speakers come and speak on its behalf. This is the only bill in front of us that has any potential chance of becoming law. The President will sign this bill because it addresses his four main pillars: it provides for border security, which the American people want. And, certainly, as we have talked a lot today, it provides for those 1.8 million DACA recipients and Dreamers. It is a good bill.

Mr. Speaker, I urge my colleagues to support this bill because it is the right thing to do.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in opposition to this closed rule and the sham underlying legislation.

As the Ranking Member on Homeland Security, one truism that I hear is that you do not negotiate with terrorists.

Yet, that is exactly what the House Leadership is asking us to do today.

When the President said, in September, that he has "a great heart" for Dreamers, we were hopeful that a deal could be reached.

However, since that time, the Trump Administration has executed a "campaign of terror" in furtherance of one objective—getting Congress to pay for a border wall.

On September 5th, the President announced the repeal of DACA.

Then, on September 18th, he announced the end of the TPS program to give safe haven to Sudanese nationals.

On November 6th, it was ended for Nicaraguans.

Two weeks later, it was canceled for Haitians.

In January, Salvadorans also lost these immigration protections.

Arguably the cruelest, most inhumane tactical maneuver of the Trump Administration came on April 6th, when the "Zero Tolerance policy" was announced.

The "DACA crisis", the "TPS crisis", and now the "Family Separation crisis" are all crises of the President's own making.

And it is people—it is children—who suffer. Make no mistake, the measure before us today will not end the suffering.

Instead of family separation, it offers family detention, an approach that DHS' own advisory committee has stated is "neither appropriate nor necessary for families" and is "never in the best interest of children."

For these reasons, I urge a "no" on this rule and H.R. 6136, an Anti-Family Values bill.

The text of the material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 953 OFFERED BY  
MR. POLIS

Strike all after the resolved clause and insert:

That immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6135) to limit the separation of families at or near ports of entry. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on the Judiciary and the chair and ranking minority member of the Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 2. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 6135.

THE VOTE ON THE PREVIOUS QUESTION: WHAT  
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's

how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In *Deschler's Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "A refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. NEWHOUSE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and House Resolution 905, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Motion to reconsider the question of passage of H.R. 2;

Passage of H.R. 2, if ordered;

Ordering the previous question on House Resolution 953;

Adopting House Resolution 953, if ordered; and

Agreeing to the Speaker's approval of the Journal, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### AGRICULTURE AND NUTRITION ACT OF 2018

The SPEAKER pro tempore. The unfinished business is the question on the